



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 7960-98

15 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 27 September 1979 at the age of 17. Your record reflects that you served for nearly two years without incident but during the period from 9 September to 12 October 1981 you were in an unauthorized absence (UA) status for a period of 33 days. You also missed the movement of your ship during this period of UA. However, your record does not reveal what, if any, disciplinary action was taken for these offenses.

Your record further shows that on 27 March 1983 you received nonjudicial punishment (NJP) for drunk and disorderly conduct, disrespect, disobedience, and a three day period of UA. The punishment imposed was restriction and extra duty for 30 for 30 days, reduction to paygrade E-3, and forfeitures totalling \$300, a portion of which was suspended. Approximately a month later, on 27 April 1983, you were convicted by summary court-martial (SCM) of three periods of absence from your appointed place of duty and sentenced to confinement at hard labor for 30 days, reduction to paygrade E-2, and forfeitures totalling \$382.

On 3 October 1983, three months prior to the expiration of your enlistment, you were released from active duty under honorable conditions and transferred to the Naval Reserve. Subsequently, upon completing your military obligation, you were issued a general discharge. At this time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your reenlistment code changed so that you may reenlist. The Board further considered your contention that you would like your record corrected to show that you did not have any lost time from 9 September to 11 October 1981. The Board also noted your request for a new discharge certificate. However, the Board concluded these factors and contentions were not sufficient to warrant a change in your reenlistment code given your frequent misconduct which resulted in NJP and a court-martial conviction.

Given the circumstances of your case, the Board concluded your reenlistment code was proper as issued and no change is warranted. Further, there is no reason to remove the lost time from your record since you were UA during that period. Accordingly, your application has been denied.

The Board also noted that you should contact the Department of Navy, Navy Personnel Command, Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 to request administrative corrections to your Certificate of Discharge or Release from Active Duty (DD Form 214).

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director